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SIPDIS

DEPT FOR T, VC AND EUR/PRA
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JCS FOR J5/DDGSA
SECDEF FOR OSD(P)/STRATCAP
NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
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NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 11/23/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) MEETING OF THE TREATY TEXT AND
DEFINITIONS WORKING GROUP, NOVEMBER 9, 2009

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

- [1](#)1. (U) This is SFO-GVA-VII-005.
- [1](#)2. (U) Meeting Date: November 9, 2009
Time: 3:30 - 6:00 P.M.
Place: U.S. Mission, Geneva

SUMMARY

[1](#)3. (S) A meeting of the Treaty Text and Definitions Working Group (TTDWG) was held at the U.S. Mission on November 9, [1](#)2009. The TTDWG reviewed language in the U.S.-proposed joint draft text (JDT) for Article XIII and the associated Bilateral Consultative Commission (BCC) Protocol, Article VIII, and Article XV. Discussion areas included the name for the BCC, treatment of new kinds of strategic offensive arms (SOA), and the framework of activities for the BCC. The Russian Delegation lobbied for a package of treaty documents that would require only one signature by the Presidents, and expressed their reservations on release of information to the public as well as provisional application of some provisions of the treaty prior to entry into force (EIF).

[1](#)4. (U) Subject Summary: Article XIII - The Commission; BCC Protocol; Article VIII - Notifications; and, Article V - Withdrawal.

15. (S) Ambassador Ries opened discussion by providing the Russian side a revised version of the JDT of Article XIII. She called attention to a proposal to change the name of the commission from BCC to BICC (Bilateral Implementation and Consultation Commission). This was to preclude any confusion over which treaty was being referred to, as the Threshold Test Ban Treaty (TTBT) also had a BCC. Koshelev noted the TTBT BCC had not met in the last 20 years. He was also uncomfortable with how the new proposal of BICC sounded in Russian. (Begin comment: The term in Russian would be abbreviated DKVK, which the Russians said sounded offensive to their ears. End comment.) He countered with a proposal to use the term Standing Consultative Commission (SCC), since the ABM Treaty was defunct and the ABM SCC would not be meeting in the future. When the U.S. delegation expressed hesitation at reviving the name SCC, Koshelev further suggested calling it the Permanent Consultative Commission (PCC). Ries offered to take the topic of the name of the commission for further review.

16. (S) Ries pointed out a refinement in the text to incorporate a subparagraph previously listed in Article V that allowed a Party to raise questions concerning new kinds of SOA. She noted the logical venue for such a question would be the article addressing the activities of the BCC, hence the proposal to relocate the text to Article XIII. This provoked a lengthy discussion initiated by the Russian Delegation concerning the need for language to discuss new

kinds of SOA if neither side was expressing a desire to deploy such. Ries said the provision would provide coverage for a contingency in the event a new kind of SOA was developed. If nothing was developed, there would be no harm in having the text included. Admiral Kuznetsov wondered out loud how one could determine if an abstract weapon would be characterized as SOA. He also wondered about the efficacy of writing provisions for a new kind of SOA when neither side could resolve the definition of new kinds of SOA. Koshelev offered to agree to combine the language on new kinds in subparagraphs c and d of the U.S.-proposed JDT if the United States would identify what new SOA the United States was developing. Mr. Taylor pointed out the Russian delegation had already agreed to language referring to new kinds of SOA.

After some confusion and research on the Russian side, Koshelev concurred the Russians had in fact used the term "new kind" in their September 16 text. He then agreed to consider a new formulation which would combine subparagraphs c and d, which Ries undertook to draft.

17. (S) Discussion shifted to the U.S.-proposed language of the BCC operating "within the framework" vice "holding a session." Koshelev articulated the Russian objections to language on activities taking place within the framework of the BCC, saying the lawyers of the Presidential Administration had opined the BCC could not meet anywhere but in session. Ries offered, as an example, the fact that the recent agreement regarding the portal monitoring facility at Votkinsk had been signed without the JCIC in session. In addition, Mr. Dean noted that the BCC's proposed activities consisted of other activities, such as cost sharing, notifications, and confidentiality, all of which might take place outside of a BCC session. As a compromise, Ries proposed language to the effect that the BCC would meet under the terms of the BCC protocol, which Koshelev replied he would take to Moscow for their reaction.

BCC PROTOCOL

18. (S) Ries provided an updated version of the U.S.-proposed JDT of the commission Protocol. She pointed out the U.S. desire for the commission to be able to commence its activities upon signature of the commission protocol vice

waiting for EIF. She noted how precedent existed for provisional application of certain provisions in other agreements. She stressed the importance for the commission to be able to commence operations as soon as possible to allow for continued work on issues. Koshelev was in agreement in principle; however, he asked how provisional application would differ from the START bridging proposal delivered in Moscow that morning by U.S. Ambassador Beyrle to Deputy Foreign Minister Ryabkov. Ries explained that the two concepts could work in parallel, as both documents would be concerned with different activities in the interim period between expiration of the START Treaty and EIF of the follow-on treaty. Koshelev reiterated a position advanced in the previous session by Ms. Kotkova that resolution on including language about provisional application of the commission should only be reached in conjunction with addressing the larger issue of whether to seek provisional application of other portions of the treaty. He observed

other areas might also be open to provisional application, such as notifications, exchanges of data, and even inspections. A pressing concern for him was to craft a document that would require only one signature by the Presidents and avoid a number of documents needing to be signed. He also thought the commission would not be able to decide anything if it was not known what activities would be provisionally applied. He concluded, stating he would have to ask Moscow for guidance.

ARTICLE VIII - NOTIFICATIONS

¶9. (S) Ries provided a revised version of the U.S.-proposed JDT for Article VIII. Discussion quickly moved to the language in paragraphs 6 and 7, which would allow for the release of certain information to the public. Koshelev asked whether the United States envisioned releasing information on both Parties or just for the United States. Ries said the intent was to replicate the provisions found in START. Taylor added that, under START, the Treaty had a provision requiring the Parties to hold consultations on releasing to the public data and other information provided in the course of implementation of the Treaty. The Parties had met in 1994 and agreed to rules and timelines for release of certain data elements. Koshelev observed that the Moscow Treaty did not allow for the release of any information. He said less information was provided under the Moscow Treaty than under START and nobody seemed to be distressed. Finally, he explained that Russian law prohibited the release of any information to the public. When discussion moved toward the interrelationship between international agreements and national laws, Koshelev remarked that such a decision (to allow for release of data) would be "above my pay grade."

ARTICLE XV - WITHDRAWAL

¶10. (S) Ries provided a revised version of the U.S.-proposed JDT for Articles XIV through XVII, and pointed to Article XV in that document. Koshelev agreed, in principle, with the proposal to move language concerning withdrawal for reasons related to missile defense into a unilateral statement, but said he was waiting for Assistant Secretary Gottemoeller and Ambassador Antonov to make the final decision before removing the bracketed language.

¶11. (S) Discussion proceeded to the final point concerning language for the notification period of intent to withdraw from the treaty. Ries proposed compromise language of "no fewer than 3 months." After considerable internal discussion from the Russian side, Koshelev offered to take the U.S.-proposed language for consideration.

¶12. (S) Ries provided a revised U.S.-proposed JDT of Article

VII in preparation for the next meeting of the TTDWG.

¶13. (U) Documents exchanged.

- U.S.

-- U.S.-proposed JDT of Article VII (in English and unofficial Russian), dated November 9, 2009;

-- U.S.-proposed JDT of Article VIII (in English and unofficial Russian), dated November 9, 2009;

-- U.S.-proposed JDT of Article XIII (in English and unofficial Russian), dated November 9, 2009;

-- U.S.-proposed JDT of Articles XIV through XVII (in English and unofficial Russian), dated November 9, 2009; and

-- U.S.-proposed JDT of BCC Protocol (in English and unofficial Russian), dated November 9, 2009.

¶14. (U) Participants:

U.S.

Amb Ries
Lt Col Comeau
Mr. Connell
Dr. Dreicer
Mr. Dean
Mr. Rust
Mr. Taylor
Mrs. Zdravecky
Mr. Sobchenko (Int)

RUSSIA

Mr. Koshelev
Adm. Kuznetsov
Ms. Fuzhenkova
Mr. Kamenskiy
Mr. Luchaninov
Ms. Melikbekian
Ms. Evarovskaya (Int)

¶15. (U) Gottemoeller sends.
GRIFFITHS